

FILED**JANUARY 10, 2008**MICHAEL W. DOBBINS
CLERK U.S. DISTRICT COURT

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION****08 C 241**

HOLLY WISER-CONNOLLY, as)
Independent Executor of the Estate of)
GLEN R. WISER, Deceased; and)
HOLLY WISER-CONNOLLY, as) Case No.:
Independent Executor of the Estate of)
ELEANOR M. WISER, Deceased,) Judge:
) Magistrate:
Plaintiffs,)
)
- vs -)
)
OSMAN EFENDIC, individually, and)
d/b/a **ELAINES EXPRESS, INC.**,)
)
Defendant.)

**JUDGE GUZMAN
MAGISTRATE JUDGE BROWN****NOTICE OF REMOVAL**

Pursuant to *Title 28 U.S.C. §1332 and Title 28 U.S.C. §1441, et seq.*
Defendants, **OSMAN EFENDIC**, and **2038463 ONTARIO, INC.**, d/b/a
ELAINES EXPRESS, by and through one of its attorneys, ROBERT M. BURKE
of JOHNSON & BELL, LTD., hereby give notice of the removal of the above
captioned action from the Circuit Court of Cook County, Cause No. 07 L 14421,
to the United States District Court, Northern District of Illinois, Eastern
Division, and in support thereof, state the following:

1. On or about December 28, 2007, Plaintiff, Holly Wiser-Connolly,
initiated the above captioned lawsuit by the filing of a Complaint entitled, Holly
Wiser-Connolly, as Independent Executor of the Estate of Glen R. Wiser,
Deceased, and Holly Wiser-Connolly, as Independent Executor of the Estate of
Eleanor M. Wiser, Deceased v. Osman Efendic, individually and d/b/a Elaines

Express, Inc., docket No. 07 L 14421. A copy of the initial Complaint at Law is attached hereto, labeled Exhibit "A", and incorporated herein by reference.

2. On or about December 28, 2007, a Summons was issued to Osman Efendic at 313 Celtic Drive, Stoney Creek, Ontario. A copy of said Summons is attached hereto, labeled Exhibit "B", and incorporated herein by reference.

3. Osman Efendic was served with Summons in this action on or about January 4, 2008 in Stoney Creek, Ontario, Canada.

4. The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the above described action pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 for the following reasons:

- (a) Holly Wiser-Connolly is a citizen of New York and the decedents, Glen R. Wiser and Eleanor M. Wiser, whose citizenship actually controls diversity jurisdiction, were citizens of the State of Illinois on the date of their deaths;
- (b) Defendant, Osman Efendic is an individual, who at all relevant times, has been a resident and citizen of Ontario, Canada;
- (c) Defendant, 2038463 Ontario, Inc., d/b/a Elaines Express, has, at all relevant times, been incorporated pursuant to the laws of Ontario, Canada and has had its principal place of business in Ontario, Canada; therefore, for diversity of citizenship purposes, it is a citizen of Ontario, Canada;
- (d) Based on the foregoing, there is complete diversity of citizenship between all Plaintiffs and al Defendants;
- (e) According to the allegations contained in the Complaint filed by the Plaintiffs herein, the amount of damages sought in this action will exceed the sum of \$50,000.00. According to the allegations contained in the Complaint, two (2) occupants of the motor vehicle then and there driven by Glen Wiser died as a result of the motor vehicle accident referenced in the Complaint. Based thereon, it is Defendants' good faith belief that the amount in controversy exceeds \$75,000.00 exclusive of interest and costs;

- (f) This Notice of Removal has been filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, within thirty (30) days of the service of the Summons and Complaint on Defendants;
- (g) This action, based upon diversity of citizenship of all Plaintiffs from all Defendants and the amount in controversy, is, therefore, properly removable pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441(a).

5. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook in the State of Illinois.

WHEREFORE, Defendants, **OSMAN EFENDIC**, and **2038463 ONTARIO, INC., d/b/a ELAINES EXPRESS**, respectfully request that this case proceed before this Court as an action properly removed.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/Robert M. Burke
Robert M. Burke, One of the
Attorneys for Osman Efendic and
2038463 Ontario, Inc., d/b/a
Elaines Express

ROBERT M. BURKE
JOHNSON & BELL, LTD.,
33 West Monroe Street, #2700
Chicago, Illinois 60603
Telephone: (312) 0770
Attorney No. 06347